

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY LEWIS HOLDER,

Petitioner,

v.

Case No. 09-10954

CATHERINE S. BAUMAN,

Respondent.

**ORDER SETTING DEADLINES TO FILE AMENDED PETITION AND AMENDED
RESPONSE AND DENYING AS MOOT RESPONDENT'S MOTION TO STRIKE**

Petitioner Gregory Lewis Holder has filed two petitions for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Case number 09-10954 challenged Petitioner's convictions for possession with intent to deliver 1000 or more grams of cocaine, felon in possession of a firearm, and felony firearm. Case number 09-10973 challenged Petitioner's conviction for delivery of 50 to 449 grams of cocaine. By separate order, the court has granted Respondent's motion to consolidate the two cases, and ordered that Petitioner proceed solely with case number 09-10954. Accordingly,

IT IS ORDERED that Petitioner shall file an amended petition, incorporating all of his habeas claims previously asserted in this case as well as in case number 09-10973 within **twenty-one days** of the date of this order and Respondent shall file an amended responsive pleading within **twenty-one days** of receipt of the amended petition.¹

¹It appears that all relevant state court documents have already been filed in this case, but in the event additional state court records are necessary, Respondent shall file those at the same time as her response.

Through operation of this order and the related order of consolidation, all previously filed pleadings will be effectively supplanted by the amended petition and amended responsive pleading. Thus, IT IS ORDERED that Respondent's motion to strike [Dkt. #10] is DENIED as moot.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 31, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 31, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522